16

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A. (C)No.1263/2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

APPELLANTS : N. Aamos S/o N. Dashraiyya, aged about 05 years, Minor, Through: Natural Guardian Father N. Dashraiyya, S/o N. Kondaiyya, aged about 37 years, R/o T.T.C.Colony, Mana Camp, Thana Mana Camp, Raipur, Tahsil and District Raipur (C.G.)

Versus

Respondents Non-claimant

1. Saroj Kumar, Occupation Vehicle Driver, R/o Near Chandani Chowk, Kohaka, Bhilai, Tehsil and District Durg (C.G.)
2. Vijay Kumar Swain, aged about 39 years, S/o Goverdhan Swain, R/o Qr.No.C.H.-724, Housing Board Colony, Kohaka, Thana Supela, Tehsil and District Durg (C.G.)
3. The United India Insurance Company Limited, Through Divisional Manager, Divisional Office, Krishna Complex, Kutchery Chowk, Raipur, Tehsil and District Raipur (C.G.)

Appeal under Section 173 of the Motor Vehicle Act.,1994

Present:
Shri S.C.Verma, counsel for the appellant.

ORAL ORDER

(Passed on 2nd November, 2007)

Heard on admission.

The appellant has preferred this appeal for enhancement being aggrieved by the impugned award dated 24-07-2007 passed by the 09th Additional Motor Accidents Claims Tribunal, (F.T.C.), Raipur (hereinafter referred to as "the MACT") in Claim Case No.03/2007 whereby compensation of Rs.27,856/- was awarded in an injury case.

It is not disputed that no medical evidence was led before the MACT to prove that the claimant had suffered any permanent disability. Entire medical expenses incurred in treatment have been awarded. Besides, Rs.5,000/- towards

pain and suffering and an additional sum of Rs.2,000/- towards special diet has also been awarded.

I am of the considered opinion that in the absence of medical evidence, the impugned award does not call for any interference.

In the result, the appeal being devoid of merit is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane